

REMARKS

This Amendment is being filed in response to the Office Action dated October 6, 2008. Claims 1-26 are currently pending, of which, claims 1, 22, 25 and 26 are independent. Claims 1-17 and 20-26 stand rejected, claims 6, 18-19, 21 and 23 are objected to. By this Amendment, claims 1, 2, 6-9, 18, 21-23, 25 and 26 have been amended herein to better clarify the invention being claimed; claims 3 and 5 have been canceled; claim 18, which had been indicated as being allowable if rewritten in independent form, has been amended into independent form. No new matter has been added. Applicants respectfully request reconsideration and withdrawal of the rejections set forth in the Office Action in light of the amendments and remarks presented herein.

Allowable Subject Matter

Applicants note with appreciation the indication that claims 18-19 contain allowable subject matter. Without conceding the correctness of the rejection of claim 1 and the intervening claims, in the interest of expediting prosecution, claim 18 has been amended to incorporate the limitations of independent claim 1 and intervening claims 15-17. Claim 19 depends from claim 18. Accordingly, Applicants respectfully submit that claims 18-19 are in condition for allowance.

Claim Objections

Claims 6, 18, 21 and 23 are objected to for informalities, which have been addressed herein. More specifically, claim 6 has been amended from “the platform” to “a platform” and claim 18 has been amended to recite “the support beam” rather than “the support guide.” Claim 21 has been amended to clarify “the displaceable cooling component” and claim

23 was has been amended to recite “wherein cooling the sealed portion” to address the objections set forth in the Office Action. Applicants respectfully submit that the objections have been rendered moot by the amendments and respectfully request withdrawal of the objections.

Rejection under 35 U.S.C. §102 - Felder

Claims 1, 2, 10, 20 and 26 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,941,762 to Felder et al. (Felder). Applicants respectfully submit that Felder fails to teach or suggest cooling arrangements as amended herein, comprising:

a pair of gripping components constructed and arranged to secure the sealed portion therebetween,

a supply mechanism for providing a cooling fluid to at least one cooling component,

a removal mechanism for removing the cooling fluid from at least one cooling component, and

wherein the removal mechanism removes the cooling fluid from the cooling component after the cooling fluid has thermally interacted with the gripping components.

In contrast, Felder is directed toward an “air purging system” that cools and dehumidifies the air in the chamber (Col. 6, lines 7-10, 25-36), and thus teaches away from the use of a cooling fluid or cooling a container using gripping components. In fact, Felder does not mention or suggest the use of a cooling fluid, but provides using a “dry gas purge, such as a carbon dioxide or nitrogen purge” which one of ordinary skill in the art would understand is not a “liquid”.

Furthermore, in Felder, the air in a chamber is cooled, thus cooling the contents thereof. This is in contrast to cooling the sealed portions of a container via gripping components, that grasp and secure the sealed portions of the container, by flowing a cooling fluid through the gripping components to cool the sealed portion while it is secured by the gripping components. The side

fingers of Felder, which move the contents of the chamber, do not have a cooling fluid flowing therewithin. Therefore, not only does Felder fail to anticipate the invention as claimed, Felder teaches away from the use of gripping components and a cooling fluid as claimed.

Additionally, at least because Felder is directed to using air purge which cools the air in the chamber, Felder does not teach or suggest, but rather, teaches away from, gripping components provided with a cooling fluid which thermally interacts with the gripping components. The carbon dioxide gas, nitrogen gas, etc. of the dry air purge reduces the humidity within the chamber to cool the air within the chamber, and does not thermally interact with the components within the chamber.

Furthermore, Felder is directed to a mechanism which is in its entirety located within a freezer compartment, and therefore teaches away from providing a cooling fluid to gripping components which secure the sealed portion therebetween, as claimed. Therefore, Felder fails to teach or suggest, but rather, teaches away from a supply mechanism and a removal mechanism for providing and removing the cooling fluid as claimed.

Moreover, as provided for in claim 2 as amended herein, the cooling fluid flows within the gripping components to thermally interact with the sealed portions. This is in contrast to the air purging system that cools the air within the chamber as provided in Felder. The carbon dioxide gas, nitrogen gas, etc. of the dry air purge does not thermally interact with the sealed portions.

Rejection under 35 U.S.C. §102 - Laing

Claims 22 and 25 stand rejected under 35 U.S.C. §102(c) as being anticipated by U.S. Patent Application Publication No. 2006/0048486 to Laing et al. (Felder). Applicants

respectfully submit that Laing fails to teach or suggest the method of cooling as sealed portion of a container as claimed in claim 22, which require “securing the sealing portion between a pair of gripping components; flowing a cooling fluid within the gripping components; cooling the sealed portion by thermally interacting the cooling fluid with the sealed portion...” as amended herein.

Applicants also respectfully submit that Laing fails to teach or suggest claim 25, which requires “a cooling mechanism constructed and arranged to cool a portion of the flexible container; wherein the cooling mechanism includes a pair of gripping components constructed and arranged to secure the sealed portion; a supply mechanism for providing a cooling fluid to the gripping components such that the cooling fluid flows within the gripping components and thermally interacts with the sealed portion and cools the sealed portion” as amended herein.

Laing does not teach or suggest a method or system as claimed. In fact, Laing does not describe a cooling station in any detail, but merely states that the cooling station “is known and therefore will not be further described.” See Par. [0321]. Thus, Applicants respectfully submit that Laing fails to teach or suggest a method or system for cooling the sealed portion as recited in claims 22 and 26, as amended herein, request withdrawal of the rejection.

Rejection under 35 U.S.C. §103 – Felder in view of Kiczek

Claims 3-5 and 8 stand rejected under 35 U.S.C. §103 as being unpatentable over Felder in view of U.S. Patent No. 5,343,714 to Kiczek (Kiczek). Applicants respectfully submit that Kiczek fails to remedy the shortcomings of Felder, and therefore, the combination of Felder and Kiczek fails to teach or suggest the invention as claimed. More specifically, Kiczek also fails to teach or suggest gripping components that secure the sealed portions of a container and cool the secured portion via a cooling fluid that flows therewithin.

In contrast, Kiczek is directed to a spiral type freezer in which refrigerated a “spiral type freezer constructed and operated to introduce refrigerated atmosphere into the bottom of the insulated chamber and circulate the atmosphere in a circulation flow from the bottom of the chamber to an exit on top of the chamber.” See Abstract. Kiczek also fails to teach or suggest the introducing a cooling fluid, let alone introducing a cooling fluid to flow within gripping components that secure the sealed portion of the container. Furthermore, as discussed above, Felder teaches away from the invention as claimed. At least for the reasons set forth above, Felder and Kiczek, either taken alone or in combination, fail to teach or suggest every element of independent claim 1, and thus, Applicants respectfully submit that claims 4-5 and 8, which depend from claim 1, are patentable over Felder in view of Kiczek and request withdrawal of the rejection.

Rejection under 35 U.S.C. §103 – Felder

Claim 11 stands rejected under 35 U.S.C. §103 as being unpatentable over Felder. Applicants respectfully submit that Felder fails to teach or suggest, but rather, teaches away from the invention as claimed in independent claim 11, as discussed above. Therefore, in the interest of brevity, the merits of the rejection of claim 11 will not be addressed in detail. Applicants respectfully submit that at least because Felder fails to render obvious independent claim 1, claim 11 that depends therefrom is patentable over Felder and request withdrawal of the rejection.

Rejection under 35 U.S.C. §103 – Felder in view of Urea

Claims 12-17 and 21 stand rejected under 35 U.S.C. §103 as being unpatentable over Felder in view of U.S. Patent No. 6,386,816 to Urea et al. (Urea). Applicants respectfully

submit that Urea fails to remedy the shortcomings of Felder, and therefore, the combination of Felder and Urea fails to teach or suggest the invention as claimed. More specifically, Urea also fails to teach or suggest gripping components that secure the sealed portions of a container and cool the secured portion via a cooling fluid that flows therewithin.

Urea, in contrast, is directed to a device for collecting printed matter, and does not mention cooling a sealed portion of a container, let alone providing a cooling fluid flowing within gripping components that secure the sealed portion. Furthermore, as discussed above, Felder teaches away from the invention as claimed. At least for the reason above, Felder and Urea, either taken alone or in combination, fail to teach or suggest every element of independent claim 1, and thus, Applicants respectfully submit that claims 12-17 and 21, which depend from claim 1, are patentable over Felder in view of Urea and request withdrawal of the rejection.

Rejection under 35 U.S.C. §103 – Laing in view of Felder

Claim 23 stand rejected under 35 U.S.C. §103 as being unpatentable over Laing in view of Felder. Applicants respectfully submit that as discussed above, neither Laing nor Felder teach or suggest gripping components that secure the sealed portions of a container and cool the secured portion via a cooling fluid that flows therewithin. Furthermore, as discussed above, Felder teaches away from providing a cooling fluid, and more specifically, flowing a cooling fluid within gripping components to cool the sealed portion secured between the gripping components, as claimed. Accordingly, the combination of Laing and Felder fails to teach or suggest the invention as claimed in claim 23, and Laing and Felder, either taken alone or in combination, fail to teach or suggest every element of independent claim 22, and thus,

Applicants respectfully submit that claim 23, which depends from claim 22, is patentable over Laing in view of Felder and request withdrawal of the rejection.

Rejection under 35 U.S.C. §103 – Laing in view of Provest

Claim 24 stands rejected under 35 U.S.C. §103 as being unpatentable over Laing in view of U.S. Patent No. 4,920,763 to Provest et al. (Provest). Applicants respectfully submit that Provest fails to remedy the shortcomings of Laing, and therefore, the combination of Laing and Provest fails to teach or suggest the invention as claimed. More specifically, Provest also fails to teach or suggest “securing the sealing portion between a pair of gripping components; flowing a cooling fluid within the gripping components; cooling the sealed portion by thermally interacting the cooling fluid with the sealed portion...” as required in independent claim 22 amended herein.

Provest, in contrast, is directed to an apparatus for chilling a container by immersing the container in a cooling fluid. This is in contrast to the invention as claimed, wherein the cooling fluid flows within the gripping components which secure the sealed portion therebetween. The sealed portion of the claimed invention is not immersed as the containers of Provest are. The sealed portion does not contact the cooling fluid directly, as the container of Provest does, but the sealed portion thermally interacts with the cooling fluid via the gripping components, through which the cooling fluid flows. Accordingly, not only does Provest fail to teach or suggest flowing the cooling fluid through the cooling component as claimed, but Provest teaches away from it. As one of ordinary skill in the art would understand, to introduce a separation between the cooling fluid and the container would hinder the cooling process of the container, and therefore it would not have been obvious to one of ordinary skill in the art to

introduce gripping components through which the cooling fluid would flow in order to cool the container. At least for the reason above, Laing and Provost, either taken alone or in combination, fail to teach or suggest every element of independent claim 22, and thus, Applicants respectfully submit that claim 24, which depends from claim 22, is patentable over Laing in view of Provost and request withdrawal of the rejection.

Rejection under 35 U.S.C. §103 – Felder in view of Kiczek and Shimizu

Claim 6 stands rejected under 35 U.S.C. §103 as being unpatentable over Felder in view of Kiczek and U.S. Patent No. 4,936,756 to Shimizu (Shimizu). Applicants respectfully submit that Shimizu fails to remedy the shortcomings of Felder and Kiczek, and therefore, the combination of Felder, Kiczek and Shimizu fails to teach or suggest the invention as claimed. More specifically, Shimizu also fails to teach or suggest gripping components that secure the sealed portions of a container and cool the secured portion via a cooling fluid that flows therewithin.

In contrast, Shimizu is directed to a compressor having a lubricating fluid flowing from an axial bore to radial bore. Furthermore, as discussed above, Felder teaches away from the invention as claimed. At least for the reasons set forth above, Felder, Kiczek and Shimizu, either taken alone or in combination, fail to teach or suggest every element of independent claim 1, and thus, Applicants respectfully submit that claim 6, which depends from claim 1, is patentable over Felder in view of Kiczek and Shimizu, and request withdrawal of the rejection.

Rejection under 35 U.S.C. §103 – Felder in view of Kiczek and Huvey

Claim 7 stands rejected under 35 U.S.C. §103 as being unpatentable over Felder in view of Kiczek and U.S. Patent No. 4,811,761 to Huvey (Huvey). Applicants respectfully

submit that Huvey fails to remedy the shortcomings of Felder and Kiczek, and therefore, the combination of Felder, Kiczek and Huvey fails to teach or suggest the invention as claimed. More specifically, Huvey also fails to teach or suggest gripping components that secure the sealed portions of a container and cool the secured portion via a cooling fluid that flows therewithin.

In contrast, Huvey is directed to a flexible tube for conveying fluids, and does not teach or suggest gripping components for securing and cooling the sealed portion of a container. Furthermore, as discussed above, Felder teaches away from the invention as claimed. At least for the reasons set forth above, Felder, Kiczek and Huvey, either taken alone or in combination, fail to teach or suggest every element of independent claim 1, and thus, Applicants respectfully submit that claim 7, which depends from claim 1, is patentable over Felder in view of Kiczek and Huvey, and request withdrawal of the rejection.

Rejection under 35 U.S.C. §103 – Felder in view of Kiczek and Provest

Claim 9 stands rejected under 35 U.S.C. §103 as being unpatentable over Felder in view of Kiczek and Provest. Applicants respectfully submit that Provest fails to remedy the shortcomings of Felder and Kiczek, and therefore, the combination of Felder, Kiczek and Provest fails to teach or suggest the invention as claimed. More specifically, Provest also fails to teach or suggest gripping components that secure the sealed portions of a container and cool the secured portion via a cooling fluid that flows therewithin.

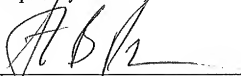
As discussed above, Provest, in contrast, is directed to an apparatus for chilling a container by immersing the container in a cooling fluid, which is in contrast to the invention as claimed, wherein the cooling fluid flows within the gripping components which secure the sealed

portion therebetween, and thus teaches away from the invention as claimed. At least for the reason above, Felder, Kiczek and Provest, either taken alone or in combination, fail to teach or suggest every element of independent claim 1, and thus, Applicants respectfully submit that claim 9, which depends from claim 1, is patentable over Felder in view of Kiczek and Provest, and request withdrawal of the rejection.

Applicants respectfully submit that this application is in condition for allowance. Early and favorable action is earnestly solicited. In the event that there are any questions, or should additional information be required, please do not hesitate to contact Applicants' attorney at the number listed below.

No fee, other than the one month extension of time submitted herewith, is deemed necessary in connection with the filing of this Amendment. However, if any fee is now or hereafter required, the Examiner is hereby authorized to charge the amount of such fee(s) to Deposit Account No. 19-4709.

Respectfully submitted,



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